



**CITY OF PALM BEACH GARDENS
COUNCIL AGENDA
April 7, 2011
7:00 P.M.**

**Mayor Levy
Vice Mayor Premuroso
Council Member Russo
Council Member Jablin
Council Member Tinsley**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. ADDITIONS, DELETIONS, MODIFICATIONS:**
- IV. REORGANIZATION:**
 1. APPOINTMENT OF MAYOR.
 2. APPOINTMENT OF VICE MAYOR.
 3. RESOLUTION 13, 2011 – APPOINTMENT OF MAYOR AND VICE MAYOR. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPOINTING THE MAYOR AND VICE MAYOR FOR THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
 4. APPOINTMENT OF COUNCILMEMBERS TO EXTERNAL BOARDS.
 5. APPOINTMENT OF COUNCILMEMBERS TO INTERNAL BOARDS.
- V ANNOUNCEMENTS / PRESENTATIONS:**
- VI. ITEMS OF RESIDENT INTEREST AND BOARD/COMMITTEE REPORTS:**
- VII. CITY MANAGER REPORT:**
- VIII. COMMENTS FROM THE PUBLIC: (For Items Not on the Agenda, please submit request form to the City Clerk prior to this Item)**
- IX. CONSENT AGENDA:**
 - a. APPROVE MINUTES FROM MARCH 3, 2011 CITY COUNCIL MEETING.

- b. APPROVE MINUTES FROM MARCH 22, 2011 SPECIAL CITY COUNCIL MEETING.
- c. RESOLUTION 10, 2011 - UNIT PRICE CONTRACT AWARD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AWARDED UNIT-PRICE CONTRACTS TO LANDSCAPE SERVICE PROFESSIONALS INC., MASTER GARDENERS NURSERY AND LANDSCAPING, INCORPORATED, PALM BEACH LANDSCAPE & MAINTENANCE, INC., QUINCO CORP., AND SUPERIOR LANDSCAPING & LAWN SERVICE INC. FOR LANDSCAPE AND IRRIGATION PRODUCTS AND SERVICES BASED ON BIDS RECEIVED VIA INVITATION TO BID NO. 2011-001; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- d. RESOLUTION 17, 2011 - STAND-BY AGREEMENT FOR TEMPORARY EMPLOYMENT STAFFING SERVICES. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING A STAND-BY AGREEMENT FOR TEMPORARY EMPLOYMENT STAFFING SERVICES TO NITELINES USA, INCORPORATED VIA AN EXISTING CONTRACT WITH THE STATE OF FLORIDA, NO. 991-460-07-1; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- e. RESOLUTION 26, 2011 - THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT ESTABLISHING THE MUNICIPAL PUBLIC SAFETY COMMUNICATIONS CONSORTIUM OF PALM BEACH COUNTY IS MADE AND ENTERED INTO BY AND BETWEEN THE MUNICIPALITIES OF ATLANTIS, JUPITER, JUNO BEACH, PALM BEACH, PALM BEACH GARDENS, AND WEST PALM BEACH, EACH OF WHICH IS A FLORIDA MUNICIPAL CORPORATION LOCATED IN PALM BEACH COUNTY, FLORIDA, AND THE MUNICIPAL PUBLIC SAFETY COMMUNICATIONS CONSORTIUM OF PALM BEACH COUNTY, AN ENTITY CREATED BY THE FLORIDA INTERLOCAL COOPERATION ACT OF 1969 (HEREINAFTER THE "MPSCC"); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- f. PROCLAMATION – PARALYZED VETERANS OF AMERICA AWARENESS MONTH.
- g. PROCLAMATION – NATIONAL DAYS OF REMEMBRANCE FOR HOLOCAUST VICTIMS.
- h. PROCLAMATION – APRIL IS FOR AUTHORS DAY.

X. **PUBLIC HEARINGS:** (* **Designates Quasi-Judicial Hearing**)

- a. **ORDINANCE 4, 2011** – (1ST READING) ENVIRONMENTAL LANDS MITIGATION LDR AMENDMENT. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING CHAPTER 78. LAND DEVELOPMENT. BY REPEALING SUBSECTIONS 158(a) AND (d), 78-242(a), 78-246(a)(13), AND (a)(14) AND READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. BY ADOPTING ENTIRELY NEW SUBSECTIONS 78-246(a)(15), (a)(16), AND (a)(17); FURTHER AMENDING CHAPTER 78. BY REPEALING SECTION 78-249. APPROVAL CRITERIA FOR PROPOSED LAND ALTERATION. AND SUBSECTIONS 78-250(a)(1)a., (a)(1)b., (a)(3)b., (a)(3)c., AND (b) AND READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. BY REPEALING SECTION 78-252. ALTERNATIVE FORMS OF MITIGATION. AND READOPTING SAME AS REVISED AND WITH A NEW TITLE IN ORDER TO REVISE AND CLARIFY THE REGULATIONS FOR MITIGATION OF ON-SITE PRESERVATION REQUIREMENTS; FURTHER AMENDING CHAPTER 78. AT SECTION 78-751. DEFINITIONS. TO AMEND THE DEFINITIONS OF “ECOSYSTEM, NATIVE FLORIDA”, “ENDANGERED SPECIES, THREATENED SPECIES, AND SPECIES OF SPECIAL CONCERN” AND “LISTED SPECIES” AND TO PROVIDE DEFINITIONS FOR “PROTECTED SPECIES”, “RESTORATION/CREATION”, “THREATENED SPECIES” AND “UPLAND NATIVE PLANT COMMUNITY”; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- b. **ORDINANCE 5, 2011** – (2ND READING AND ADOPTION) AMENDING THE CITY’S CODE OF ORDINANCES. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING THE CITY’S CODE OF ORDINANCES AT CHAPTER 2. ADMINISTRATION. ARTICLE IV. CODE ENFORCEMENT; BY AMENDING THIS ARTICLE TO UPDATE LANGUAGE REGARDING THE CODE ENFORCEMENT SPECIAL MAGISTRATE IN CONFORMANCE WITH STATE STATUTES; TO REVISE REQUIREMENTS REGARDING WRITTEN STIPULATIONS FOR THE RESOLUTION OF CODE ENFORCEMENT VIOLATIONS; TO CLARIFY ADMINISTRATIVE FINES FOR REPEAT VIOLATIONS; AND TO PROVIDE GENERAL INTERNAL CONSISTENCY WITH CITY CODE; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 2. ADMINISTRATION. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- c. [ORDINANCE 7, 2011](#) - (1ST READING) AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT. AT SECTION 78-61. EFFECTIVE PERIOD OF DEVELOPMENT ORDERS AND ENFORCEMENT OF CONDITIONS. BY REPEALING SUBSECTION (d) AND READOPTING SAME, AS REVISED, IN ORDER TO CLARIFY BUILD-OUT DETERMINATION REGULATIONS; FURTHER AMENDING CHAPTER 78 AT SECTION 78-159. TABLE 21: PERMITTED, CONDITIONAL, AND PROHIBITED USE CHART AND NOTE (j)(49) OF TABLE 21 IN ORDER TO REVISE AND CLARIFY THE LIST OF ASSEMBLY USES AND TO ADOPT REGULATIONS PERTAINING TO "PLACES OF ASSEMBLY"; FURTHER AMENDING CHAPTER 78 AT SECTION 78-751. DEFINITIONS. BY ADDING THE DEFINITION "PLACES OF ASSEMBLY"; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- d. [ORDINANCE 8, 2011](#) - (1ST READING) AMENDING THE FISCAL YEAR 2010/2011 BUDGET. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING THE CITY OF PALM BEACH GARDENS' BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, INCLUSIVE; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- e. [*RESOLUTION 18, 2011](#) - APPROVAL OF AN AMENDMENT TO THE DEVELOPMENT ORDER FOR FRENCHMAN'S CROSSING PUD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING THE DEVELOPMENT ORDER FOR FRENCHMAN'S CROSSING PLANNED UNIT DEVELOPMENT (PUD), LOCATED AT THE NORTHWEST CORNER OF HOOD ROAD AND ALTERNATE A1A, AS MORE PARTICULARLY DESCRIBED HEREIN, ALLOWING FOR AN ADDITIONAL FLAT/WALL SIGN FOR THE TENANT LOCATED AT 4019 HOOD ROAD, SUITE C112-116, AND MINOR MODIFICATIONS TO THE TEXT OF THE MASTER SIGNAGE PROGRAM TO CLARIFY THE TRADEMARK AND LOGO REQUIREMENTS WITHIN RETAIL BUILDING "C"; PROVIDING A WAIVER; PROVIDING A CONDITION OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- f. [*RESOLUTION 21, 2011](#) - MAJOR SITE PLAN AMENDMENT TO THE STEEPLECHASE PLANNED UNIT DEVELOPMENT (PUD). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING A MAJOR SITE PLAN AMENDMENT WITHIN THE STEEPLECHASE PLANNED UNIT DEVELOPMENT (PUD), LOCATED AT THE NORTHEAST CORNER OF STEEPLECHASE DRIVE AND BEELINE HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN, FOR THE CONSTRUCTION OF A THREE-STORY, 48,654-SQUARE-FOOT OFFICE BUILDING; PROVIDING ONE WAIVER; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- g. [*RESOLUTION 23, 2011](#) - NOTICE OF PROPOSED CHANGE ("NOPC") #11 TO THE REGIONAL CENTER DEVELOPMENT OF REGIONAL IMPACT ("DRI"). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING RESOLUTION 96, 1999, THE CONSOLIDATED AND AMENDED DEVELOPMENT ORDER FOR THE REGIONAL CENTER DEVELOPMENT OF REGIONAL IMPACT (DRI) AND PLANNED COMMUNITY DEVELOPMENT (PCD); AMENDING THE MASTER DEVELOPMENT PLAN TO ADD HOTEL AS A PERMITTED USE IN CATEGORY "3"; TO AMEND CONDITION #1 IN THE DEVELOPMENT ORDER AND TO AMEND EXHIBIT H IN ORDER TO PROVIDE FOR THE CONVERSION OF BUSINESS OFFICE TO HOTEL AND THE REVERSE AND TO DESIGNATE PARCELS WHERE SUCH CONVERSIONS ARE ALLOWED; TO AMEND THE "RANGE OF FLOOR SPACE ALLOCATION" TABLE TO INCREASE THE MAXIMUM NUMBER OF HOTEL ROOMS, DECREASE THE MAXIMUM ALLOWABLE OFFICE SQUARE FOOTAGE, AND PROVIDE CONSISTENCY WITH THE MOST CURRENT TRAFFIC DATA FOR THE DRI; TO AMEND CONDITION #13 IN THE DEVELOPMENT ORDER FOR CONSISTENCY WITH THE "AS-BUILT" EXTERNAL ROAD NETWORK; TO ELIMINATE CONDITION #21 REQUIRING TRAFFIC MONITORING; AND TO UPDATE EXHIBIT H BASED ON CURRENT CONDITIONS AND SITE PLANS; AUTHORIZING THE CITY CLERK TO TRANSMIT COPIES OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, THE TREASURE COAST REGIONAL PLANNING COUNCIL, PALM BEACH COUNTY, MACARTHUR CENTER PROPERTY OWNER'S ASSOCIATION, INC., IMI KYOTO GARDENS I, LLC, AND IMI KYOTO GARDENS III, LLC; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

XI. RESOLUTIONS:

- a. [RESOLUTION 19, 2011](#) – LEASE BUY BACK AGREEMENT. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE LEASE-PURCHASE AGREEMENT/TURN-IN OPTION OF ONE (1) FIRE ENGINE; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE TURN-IN OPTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- b. [RESOLUTION 20, 2011](#) - CONTRACT AWARD FOR PAVEMENT RESURFACING SERVICES. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN AGREEMENT FOR ASPHALT MILLING AND RESURFACING SERVICES WITH RANGER CONSTRUCTION INDUSTRIES, INC. VIA AN EXISTING CONTRACT WITH PALM BEACH COUNTY BOARD (NO. R-2010-1217) IN AN AMOUNT NOT TO EXCEED \$329,564.00; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- c. [RESOLUTION 25, 2011](#) – APPOINTING MEMBERS TO THE COMMUNITY AESTHETIC BOARD. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE APPOINTMENT OF REGULAR AND ALTERNATE MEMBERS TO THE COMMUNITY AESTHETIC BOARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

XII. ITEMS FOR COUNCIL ACTION/DISCUSSION:

- a. NORTH COUNTY NEIGHBORHOOD COALITION, INC.

XIII. CITY ATTORNEY REPORT:

XIV. ADJOURNMENT

PLEASE TAKE NOTICE AND BE ADVISED that if any interested party wishes to appeal any decision made by the City Council with respect to any matter considered at this public hearing, such interested persons will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations in order to participate in this proceeding are entitled to the provision of certain assistance at no cost. Please call the City Clerk's Office at 561-799-4122 no later than 5 days prior to the hearing if this assistance is required. For hearing impaired assistance, please call the Florida Relay Service Numbers: 800-955-8771 (TDD) or 800-955-8770 (VOICE).

NOTE:

**All presentation materials must be received by
the City Clerk prior to the presentation to the Council.**